

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION NO 7486 OF 1997

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

1. Whether Reporters of Local Papers may be allowed to see the Order ?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the Order ?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

RD MANKADIA

VERSUS

DIRECTOR GENERAL & INSPECTOR GENERAL OF POLICE

Appearance:

MR RR VAKIL for Petitioner

MR SP HASURKAR for Respondent No.1 & 3

MR RJ OZA for Respondent No.4

CORAM : MR JUSTICE S.K. KESHOTE

Date of Order : 15/08/1999

C A V JUDGMENT

Heard learned counsel for the parties.

The petitioner prayed for the following reliefs :

be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus directing the respondents to add name of the petitioner in the provisional seniority list of Deputy Superintendents of Police above the name of Mr.P.H.Ganatra who was his immediate junior and further be pleased to direct the respondents to confirm the petitioner on the post of Deputy Superintendent of Police with effect from the date on which his immediate junior Mr.P.H.Ganatra has been confirmed with all consequential and incidental benefits;

be pleased to call for the records and relevant files with regard to non-confirmation of the petitioner in the cadre of Deputy Superintendent of Police with effect from 1/1/1989 and further be pleased to direct the respondents to include the name of the petitioner in the final seniority list showing the position as on 1/1/1989 above Mr.P.H.Ganatra and further be pleased to quash and set aside the order dated 5/8/1998;

pending admission, hearing and final disposal of this petition, be pleased to direct the respondents not to promote any junior of the petitioner to the post of District Superintendent of Police without considering the case of the petitioner.

On 29/4/1998 this petition has been admitted. By way of interim relief, the respondents were directed to consider the case of the petitioner his confirmation on the post of Dy. Superintendent of Police and shall place the decision before this court. This decision has been taken and the copy of the same is there on the record, produced by the petitioner.

The relief, as prayed for by the petitioner in this Special Civil Application, cannot be granted for the reason that if it is granted, it will adversely effect the seniority of one Mr.Ganatra, who is placed in the seniority list above the petitioner and on the basis of this he has been confirmed on the higher post and if any

order passed in favour of the petitioner behind his back it will effect adversely to him and as such he is a necessary party to this Special Civil Application.

The Special Civil Application is dismissed only on this ground.

Rule is discharged.

(S.K.Keshote, J.)

*Pvv